

CITY OF CALISTOGA

STAFF REPORT

TO: CHAIR MANFREDI AND MEMBERS OF THE PLANNING COMMISSION

FROM: CHARLENE GALLINA, PLANNING & BUILDING DIRECTOR

DATE: OCTOBER 22, 2008

SUBJECT: ZONING ORDINANCE AMENDMENT (ZO 2004-02) – SIDEWALK DINING WITHIN THE PUBLIC RIGHT-OF-WAY

1 **ISSUE:**

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3 **ZO 2004-02.** Consideration of an amendment to the Calistoga Municipal Code and

4 Zoning Ordinance establishing provisions to authorize sidewalk dining establishments in

5 the Commercial Land Use Districts in the City of Calistoga.

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7 **BACKGROUND/DISCUSSION:**

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9 On September 24, 2008, the Planning Commission conducted a public hearing on the

10 proposed sidewalk dining ordinance. After deliberation and in consideration of oral

11 comments received from the public, the Planning Commission directed staff to revise

12 the proposed ordinance to require that such applications be processed administratively

13 by the Planning & Building Director with the option to be forwarded to the Planning

14 Commission should substantial concerns be identified. Additionally, the Commission

15 requested other minor revisions regarding operation hours, consolidation of findings for

16 application approval, and clarification regarding the Community Resources

17 Commission's (CRC) purpose for requiring that "green initiatives" be incorporated into

18 sidewalk dining practices. In response to the Commission's direction, staff has attached

19 to the staff report a revised Ordinance (shown in Tracked Changes), which addresses

20 the following:

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- 22 • Requires the processing and approval of an Administrative Conditional Use Permit
 - 23 by the Planning & Building Director.
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 - 25 • Requires public notice to all property owners and business owners within 300 feet of
 - 26 the proposal to be mailed 10 days prior to the scheduled date of a decision by the
 - 27 Planning & Building Director.
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 - 29 • Requires Planning Commission review, if substantial concerns are raised by
 - 30 surrounding property owners or business owners.
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 - 32 • Consolidates and simplifies the findings for approval.
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34 With respect to the CRC's purpose for promoting "green initiatives", staff was unable to
35 bring back this item to the CRC in the month of October due to the cancellation of their
36 meeting. Instead, staff researched of meeting minutes revealed that the CRC was
37 primarily interested in ensuring that sidewalk dining would not increase litter on the
38 streets of Calistoga. Given this concern, the CRC recommended recycling provisions,
39 as well as, use of sturdy eating and drinking utensils. Furthermore, the CRC
40 recommended that use of light weight plastic furniture should be discouraged to keep
41 such furniture from blowing away into the street. A copy of related CRC minutes has
42 been attached to this report for Commission review. It should be noted that the revised
43 draft ordinance under Section 17.33.050 General Provisions has modified this section to
44 encourage sustainability measures and recycling programs to the maximum extent
45 practical in order to provide business owner flexibility in proposing such a program.

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47 **RECOMMENDATION:**

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49 Staff recommends that the Planning Commission adopt Planning Commission
50 Resolution PC 2008-44 recommending City Council approval of the revised proposed
51 Ordinance. Such Ordinance would establish provisions for authorizing sidewalk dining
52 establishments within the public rights-of-way in the Commercial Land Use Districts,
53 related definitions, and defines such use within the public rights-of-way as a "routine
54 encroachment".

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56 **SUGGESTED MOTION:**

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58 I move that the Planning Commission adopt Resolution PC 2008-44 recommending to
59 the City Council adoption of an Ordinance that amends Title 17.22 Commercial Land
60 Use Districts, Chapter 17.04 Definitions, and Title 12 Streets, Sidewalks and Public
61 Places, specifically Section 12.08.020 Encroachments of Public Rights-Of Way –
62 Definitions to establish procedures for processing sidewalk dining establishments within
63 the public rights-of-way in Commercial Land Use Districts.

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65 **ATTACHMENTS:**

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- 67 1. Revised Proposed Sidewalk Ordinance
- 68 2. PC Resolution 2008-44
- 69 3. CRC Meeting Minutes for September 17, 2008, April, 16, 2008, & February 20,
70 2008
- 71 4. Planning Commission Staff Report of September 24, 2008 (Abbreviated)

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